

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

**IN RE:**

DONNA J BERTH

DEBTOR(S),

Case No. 21-20344-gmh  
Chapter 13  
Plan filed on 02/11/2021

Judge G. Michael Halfenger

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**OBJECTION TO CONFIRMATION OF  
PLAN FILED ON 02/11/2021**

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**NOW COMES** U.S. BANK NATIONAL ASSOCIATION, (hereinafter "Movant"), by and through its attorneys, CODILIS, MOODY & CIRCELLI, P.C. and moves this Honorable Court for an Order denying Confirmation of Debtor's plan filed on 02/11/2021 and in support thereof respectfully represents as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and venue is fixed in this Court pursuant to 28 U.S.C. Section 1409;
2. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on 1/23/2021;
3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. Section 362 of the Bankruptcy Code;
4. Movant is a mortgage holder or a servicer on the property commonly known as 618 Madison St., Oconto, WI 54153;
5. Debtor's plan proposes a monthly payment of \$1,174.00 to the Standing Trustee for the benefit of Creditors;
6. Movant has filed a Secured Proof of Claim in the instant case totaling \$12,782.84 for pre-petition arrearages and an estimated payoff of approximately \$40,280.33;

7. Section 3.2 of Debtor's proposed plan states that the collateral held by the Movant is partially encumbered by liens with higher priority and that payment of only \$6,895.00 at 4.25% is to me made on said Movant's secured claim;

8. Debtor's Schedule A has listed the value of the property of \$45,000.00 and the Creditor for the first mortgage has filed a secured claim listing the estimated total payoff at \$33,189.25;

9. Movant's current Broker's Price Opinion shows a value of the property at \$56,900.00 and is currently seeking to obtain their own appraisal and evidence of value;

10. The estimated payoff of the first mortgage has come in lower than provided for in the proposed plan and the value of the property at 618 Madison St., Oconto, WI appears to have equity sufficient to provide for a higher payoff of the Movant's secured claim;

11. That sufficient grounds exist for denial of confirmation of Debtor's Plan;

a. Debtor has provided no independent evidence of the proposed value provided for in the plan and Movant seeks to obtain its own evidence of value;

**WHEREFORE,** U.S. BANK NATIONAL ASSOCIATION prays this Court deny confirmation of the plan allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage and for such other and further relief as this Court may deem just and proper.

Dated this July 14, 2021.

Respectfully Submitted,

CODILIS, MOODY & CIRCELLI, P.C.

By: /s/ Rachael A. Stokas

Shawn R. Hillmann, WI Bar No. 1037005  
Rachael A. Stokas, MO Bar No. 61282  
Peter C. Bastianen, IL Bar No. 6244346

Matthew Comella, WI Bar No. 1096303  
Joel P. Fonferko, IL Bar No. 6276490  
Codi C. Gratz, WI Bar No. 1086257  
CODILIS, MOODY & CIRCELLI, P.C.  
15W030 North Frontage Road, Suite 200  
Burr Ridge, IL 60527  
(414) 775-7700  
**C&A File No. (50-18-01992)**

NOTE: This law firm is a debt collector.

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certify that I served a copy of the attached Objection upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on July 14, 2021 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on July 14, 2021.

Rebecca R. Garcia, Chapter 13 Trustee, PO Box 3170, Oshkosh, WI 54903-3170 by electronic notice through ECF

Donna J Berth, Debtor(s), 5753 N 34th Street, Milwaukee, WI 53209

Robert J. Eddington , Attorney for Debtor(s), 250 E Wisconsin Avenue #1800, Milwaukee, WI 53202-4299 by electronic notice through ECF

Office of the U.S. Trustee, 517 East Wisconsin Ave., Room 430, Milwaukee, WI 53202

/s/ Rachael A. Stokas  
Attorney for Creditor

Shawn R. Hillmann, WI Bar No. 1037005

Rachael A. Stokas, MO Bar No. 61282

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